

TAMARA BEATTY PETERSON, ESQ., Bar No. 5218  
tpeterson@petersonbaker.com  
NIKKI L. BAKER, ESQ., Bar No. 6562  
nbaker@petersonbaker.com  
BENJAMIN K. REITZ, ESQ., Bar No. 13233  
breitz@petersonbaker.com  
PETERSON BAKER, PLLC  
10001 Park Run Drive  
Las Vegas, NV 89145  
Telephone: 702.786.1001  
Facsimile: 702.786.1002

*Attorneys for Defendants Cambrex Charles City, Inc. and  
Cambrex North Brunswick, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

H&H PHARMACEUTICALS, LLC, a  
Nevada limited liability company,

Plaintiff,

v.

CAMBREX CHARLES CITY, INC.  
AND/OR CAMBREX NORTH  
BRUNSWICK, INC.; DOES I through X;  
and ROE CORPORATIONS XI through  
XX, inclusive,

Defendants.

Case No.: 2:16-cv-02946-RFB-VCF

**STIPULATION AND ORDER TO AMEND  
CONFIDENTIALITY AND PROTECTIVE  
ORDER [ECF NO. 21]**

Defendants Cambrex Charles City, Inc., and Cambrex North Brunswick, Inc., (collectively, "Cambrex"), by and through its counsel of record, Peterson Baker, PLLC, and Plaintiff H&H Pharmaceuticals, LLC ("H&H"), by and through its counsel of record, Maier Gutierrez & Associates, hereby stipulate and agree, subject to this Court's approval, that the Confidentiality and Protective Order [ECF No. 21] dated August 30, 2017, be amended to permit the parties to produce to each other confidential, proprietary, and trade secret information (the "HIGHLY CONFIDENTIAL INFORMATION") under a heightened confidentiality standard that restricts access to the produced information to outside attorneys and outside experts, and prohibits the employees, officers, or owners of Cambrex and H&H from viewing the opposing party's HIGHLY CONFIDENTIAL INFORMATION. The parties stipulate and agree as follows:

1           1.       On September 10, 2018, H&H served interrogatories and requests for production of  
2 documents on Cambrex (the "H&H Discovery Requests").

3           2.       On October 16, 2018, and beyond, the parties met and conferred regarding  
4 Cambrex's objections to the H&H Discovery Requests. Cambrex has identified specific concerns  
5 regarding the disclosure of confidential, proprietary and trade secret information ("HIGHLY  
6 CONFIDENTIAL INFORMATION") to the employees, officers, and/or owners of H&H, a  
7 potential competitor. *See, e.g., Phillips v. General Motors Corp.*, 307 F. 3d 1206, 1211 (9th Cir.  
8 2003); *Am. Heavy Moving & Rigging Co. v. Robb Techs., L.L.C.*, No. 2:04CV00933-JCM(GWF),  
9 2006 WL 2085407, at \*3 (D. Nev. July 25, 2006); *Advanced Semiconductor Prods., Inc. v. Tau*  
10 *Laboratories, Inc.*, 3 Fed.R.Serv.3d 1389, 229 U.S.P.Q. 222, 224 (N.D. Cal. 1986); *Everco Indus.*  
11 *v. O.E.M. Prods. Co.*, 362 F. Supp. 204, 206, 179 U.S.P.Q. 834, 835 (N.D. Ill. 1973).

12           3.       Cambrex has identified further concerns about disclosing this HIGHLY  
13 CONFIDENTIAL INFORMATION to H&H in light of the questionable admissibility of this  
14 information at trial pursuant to NRS 49.325. *See also* FRE 501.

15           4.       Cambrex desires to comply with the H&H Discovery Requests. Given the very  
16 sensitive nature of the HIGHLY CONFIDENTIAL INFORMATION, Cambrex desires, and H&H  
17 does not object, to produce the information under an amended protective order which restricts  
18 access to the HIGHLY CONFIDENTIAL INFORMATION to H&H's outside attorneys and experts  
19 in this case, and further prohibits H&H's employees, officers, agents and/or owners from viewing  
20 or otherwise accessing the HIGHLY CONFIDENTIAL INFORMATION.

21           5.       By producing in discovery HIGHLY CONFIDENTIAL INFORMATION, the  
22 parties do not waive any privilege created by NRS 49.325, and do not waive any arguments as to  
23 the admissibility of any material so designated.

24           6.       The HIGHLY CONFIDENTIAL INFORMATION shall not be used at any  
25 deposition, or otherwise disclosed to any persons, other than those permitted by this stipulation and  
26 order, except as permitted by further order of the Court.

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1           WHEREFORE, the parties respectfully request that this Court enter an Order amending the  
2 Confidentiality and Protective Order [ECF No. 21], to include the following provisions:

3           a.     The term "HIGHLY CONFIDENTIAL INFORMATION" is Confidential  
4 Information or Items (as defined in ECF No. 21) to which access is restricted to  
5 Outside Counsel (as defined in ECF No. 21) and Experts (as defined in ECF No.  
6 21), provided that such Expert is not a current employee of a direct competitor of a  
7 party named in this action, and provided that such Expert has complied with Section  
8 VI(2)(c) of the Confidentiality and Protective Order [ECF No. 21];

9           b.     The employees, officers, agents and/or owners of each party are not  
10 permitted to view the opposing party's HIGHLY CONFIDENTIAL  
11 INFORMATION.

12           c.     The term "Protected Material" is revised to include any HIGHLY  
13 CONFIDENTIAL INFORMATION.

14           d.     The protection conferred by this Amended Confidentiality and Protective  
15 Order covers not only Protected Material, but also any information copied or  
16 extracted therefrom, as well as all copies excerpts, summaries, or compilations  
17 thereof, testimony, conversations, or presentations by Parties or Counsel to or in  
18 Court or in other settings that might reveal Protected Material.

19           e.     To designate HIGHLY CONFIDENTIAL INFORMATION in  
20 documentary form, including in written responses to discovery requests, the  
21 Producing Party shall affix the legend "HIGHLY CONFIDENTIAL –  
22 ATTORNEYS' AND EXPERTS' EYES ONLY" on each page that contains the  
23 HIGHLY CONFIDENTIAL INFORMATION.

24           f.     Where the terms of this Amended Confidentiality and Protective Order  
25 conflict with the original Confidentiality and Protective Order [ECF No. 21], this  
26 Amended Confidentiality and Protective Order shall apply.

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28 ...

1 Dated this 31<sup>st</sup> day of October, 2018.

2 PETERSON BAKER, PLLC

MAIER GUTIERREZ & ASSOCIATES

3 By: /s/ Tamara Beatty Peterson  
4 TAMARA BEATTY PETERSON, ESQ.  
5 Nevada Bar No. 5218  
6 tpeterson@petersonbaker.com  
7 NIKKI L. BAKER, ESQ.  
8 Nevada Bar No. 6562  
9 nbaker@petersonbaker.com  
10 BENJAMIN K. REITZ, ESQ.,  
11 Nevada Bar No. 13233  
12 breitz@petersonbaker.com  
13 10001 Park Run Drive  
14 Las Vegas, NV 89145  
15 Telephone: 702.786.1001  
16 Facsimile: 702.786.1002

By: /s/ Stephen G. Clough  
JOSEPH A. GUTIERREZ, ESQ.  
Nevada Bar No. 9046  
jag@mgalaw.com  
STEPHEN G. CLOUGH, ESQ.  
Nevada Bar No. 10549  
sgc@mgalaw.com  
8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
Telephone: 702.629.7900  
Facsimile: 702.629.7925

*Attorneys for Plaintiff H&H Pharmaceuticals,  
LLC*

*Attorneys for Defendants Cambrex Charles  
City, Inc. and Cambrex North Brunswick, Inc.*

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Dated: 11-1-2018